

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

LUCKY'S, LLC d/b/a LUCKY'S SKATE
SHOP & LOUNGE, MICHAEL TARPLEY
d/b/a LUCKY'S SKATE SHOP & LOUNGE,
and ADDIE YOUNG,

Defendants.

CASE NO.: 1:21-cv-00894

AMENDED JOINT RULE 26(f) REPORT

1. Certification of Conference. Pursuant to Fed. R. Civ. P. 26(f) and LR 16.1 (b), the undersigned parties have conferred regarding the matters required under Rule 26(f)(2).
2. Discovery Plan. The parties jointly propose to the court the following discovery plan:
 - a. Discovery will commence upon entry of the Scheduling Order.
 - b. Discovery will be needed on the following subjects: the allegations of the Complaint; Defendants' asserted affirmative defenses and any other defenses that may be applicable; all other issues raised by the pleadings; any expert disclosures; and other such relevant matters.
 - c. The parties agree that the appropriate plan for this case (with any stipulated modification by the parties as set out below) is that designated in LR 26.1(a) as complex.
 - d. All discovery shall be completed by September 16, 2022.
 - e. Discovery Limits:
 - 1) Maximum of 25 interrogatories by each party to any other party.
 - 2) Maximum of 25 requests for admission by each party to any other party.
 - 3) Maximum of 4 depositions by each party.

- f. The use of experts in this case is not anticipated, but reports and disclosures required by Rule 26(a)(2)(B) and 26(a)(2)(C), respectively, are due during the discovery period:

- 1) From Plaintiff on or before July 22, 2022.
- 2) From Defendant on or before August 5, 2022.

3. Mediation - Settlement is likely and may be enhanced by Mediation which should be conducted early in the discovery period with the exact date to be set by the mediator. The mediator's name will be submitted to the court upon agreement by the parties.

4. Local Rules 5.4 and 5.5. The parties have discussed the issues of confidentiality raised in this case and the potential need for filing documents under seal. That discussion included the nature of any confidential documents that may be involved in the case, the possibility of using stipulations to avoid the need to file certain documents, and the possibility of agreed-upon redactions of immaterial confidential information in filings to avoid the need for filing documents under seal. The parties do not anticipate the case will involve any confidential or sealed documents.

5. Other Items

- a. The parties do not request a conference with the court before entry of the scheduling order.
- b. All potentially dispositive motions should be filed within 30 days after the end of discovery. All non-dispositive motions should be filed at least 60 days before trial.
- c. The Parties should be allowed until July 1, 2022 to request leave to join additional parties or to amend pleadings. After this date, the Court will consider whether the granting of leave to amend will delay trial or otherwise result in undue prejudice to a party.
- d. Final lists of witnesses and exhibits under Rule 26(e)(3) will be due from all parties 30 days in advance of the final pretrial conference.
- e. The parties request a pretrial conference in October 2022.

- f. Parties should have ten (10) days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- g. The case should be ready for trial by Monday, November 8, 2022, and the estimated time for trial is 2 days.
- h. The parties have discussed special procedures for managing this case, including reference of the case to a Magistrate Judge on consent of the parties under 28 U.S.C. §§636(c), or appointment of a master, and the parties do not consent to a Magistrate Judge.
- i. Pre-discovery Disclosures. The parties agree to waive disclosures under Fed. R. Civ. P. 26(a)(1).

Respectfully submitted, this 21st day of March, 2022.

ANDERSON JONES, PLLC

/s/ Todd A. Jones

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